

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT

DIVISION ONE

MICHAEL D. RICE,)	No. ED104181
)	
Movant/Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Elizabeth B. Hogan
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: March 7, 2017

Michael D. Rice (“Movant”) appeals from the Judgment of the motion court denying his amended Rule 29.15 motion for post-conviction relief (“Amended Motion”) without an evidentiary hearing.

REVERSED AND REMANDED

Division One Holds: This Court cannot reach the merits of Movant’s claim because the record is incomplete in that it does not note the date that Movant’s post-conviction counsel (“Counsel”) was appointed. The motion court erred in adjudicating the Amended Motion without first determining whether it was timely filed based upon the date of Counsel’s appointment, and if not, whether Counsel abandoned Movant.

Opinion by: Mary K. Hoff, J.
Robert M. Clayton III, P.J., and Lisa P. Page, J., Concur.

Attorney for Appellant: Kevin B. Gau

Attorney for Respondent: Gregory L. Barnes

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
